

## SELF-SERVICE CENTER

### PROCEDURES: HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT and HOW TO GET A DEFAULT HEARING IN CASES WITHOUT CHILDREN

If the other party files a Response/Answer with the Court, YOU CANNOT GET A DEFAULT HEARING.

#### APPLICATION AND AFFIDAVIT FOR DEFAULT: TIME FRAMES AND FILING

**STEP 1:** **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION/COMPLAINT.** Look at the Default Timetable below to find the method of service you used and the number of days you should count.

**INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed in the Default Timetable. If the **last** day for the other party to respond falls on a Saturday, Sunday, or legal holiday, **DO NOT** count **that** day.

#### DEFAULT TIMETABLE

<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service in Arizona	20 Days	after the other party signs the <b><i>"Acceptance of Service"</i></b>
Process Server in Arizona	20 Days	after other party receives papers from a process server
Sheriff in Arizona	20 Days	after other party receives papers from Sheriff
Service on Inmate in Arizona	20 Days	after other party receives papers from Sheriff
Acceptance of Service out of State	30 Days	after the other party signs the <b><i>"Acceptance of Service"</i></b>
Process Server out of State	30 Days	after other party receives papers from a process server
Sheriff out of State	30 Days	after other party receives papers from Sheriff
Service on Inmate out of State	30 Days	after other party receives papers from Sheriff
Registered Mail out of State	30 Days	after other party signs a green return receipt card
Publication	60 Days	after 1 <sup>st</sup> publication

**STEP 2:** Depending on **HOW** the papers were served on the other party, wait the number of days indicated above. ***If the other party did not file an Answer/Response with the Court within the time frame indicated, complete the "Application and Affidavit for Default", file it and mail or deliver a copy to the other party as instructed below. You must take this action for your case to proceed.***

**STEP 3:** **SIGNATURE:** Go to a Deputy Clerk of the Superior Court or a Notary Public and sign the ***"Application and Affidavit for Default."*** Bring a picture ID with you and **make sure** you date the ***"Application and Affidavit for Default"*** with the date you are signing it. Do **not** go to the Notary Public or Clerk or sign the ***"Application and Affidavit for Default"*** before the amount of time shown in the Default Timetable above has passed.

**COPIES:** Make **two copies** of your notarized ***"Application and Affidavit for Default"***.

**STEP 4:** **FILE :** File the original with the Clerk of the Court at any of these locations:  
**Central Court Building**, 201 West Jefferson Street, Phoenix, AZ 85003 (1<sup>st</sup> Floor);  
**Northwest Court Facility**, 14264 West Tierra Buena Lane, Surprise, AZ. 85374;  
**Southeast Court Facility**, 222 East Javelina Drive, Mesa AZ 85210; OR  
**Northeast Court Facility**, 18380 North 40<sup>th</sup> Street, Phoenix, AZ 85032.

**CLERK:** Hand the original & both copies of the ***"Application and Affidavit for Default"*** to the Clerk at the filing counter. The Clerk will keep the original, date-stamp both sets of copies and return the copies to you. **Make sure** both copies are stamped.

**MAIL:** Mail or hand-deliver one of the date-stamped copies of the ***“Application and Affidavit for Default”*** to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records.

Would you like to get your divorce, legal separation or annulment default decree without having to go to court? If you qualify, you may apply for **DEFAULT BY MAIL**. To get your default divorce *or other* default court order *by mail*, see ***“Procedures for Getting a Default Divorce Without a Hearing”***, the next to last document in this packet, to determine if you qualify, **OR** follow the steps below to schedule your default hearing.

**STEP 5: COUNTING FROM THE DAY AFTER THE “APPLICATION AND AFFIDAVIT” WAS FILED, WAIT 10 WORKING DAYS BEFORE PROCEEDING TO STEP 6.**

**STEP 6: FILL OUT THE “DEFAULT SCREENING CHECKLIST”** (the next document in this packet).

**STEP 7: SCHEDULE YOUR OWN HEARING:**

- OVER THE INTERNET AT: <http://ecourt.maricopa.gov/dod> OR
- BY CALLING: 602-372-3332

- If you call before noon, you may be able to schedule a hearing as soon as the next day.
- You can also schedule your hearing for a future date.
- Publication and/or Interpreter matters can only be scheduled on specific days of the week.

**STEP 8: PREPARE FOR THE COURT HEARING**

**GET YOUR PAPERS TOGETHER.** Read the instructions for the Court Order/Decree packet that applies to your case. Fill out the Order or Decree and **MAKE COPIES** as instructed. Bring all required court papers to your hearing. If you do not bring all required documents, your hearing will be rescheduled.

- **IF THE COURT PAPERS YOU FILED INCLUDE A REQUEST TO ESTABLISH SPOUSAL MAINTENANCE (ALIMONY)**, and you do not already have a Temporary Order for Spousal Maintenance, bring Social Security Numbers and Employer Information (name(s), address(es) and telephone number(s) for you and the Respondent.

**STEP 9: READ “ATTENDING YOUR DEFAULT HEARING - WHAT TO DO IN COURT”**

**STEP 10: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.**

- **DO NOT BRING CHILDREN**
- **EXPECT TO BE IN THE COURTHOUSE UP TO 4 HOURS OR MORE.**
- **Your paperwork will be checked before you enter the courtroom.**

All Default Hearings will be held downtown at 201 West Jefferson Street, Phoenix, Arizona 85003 Check in on the 3<sup>rd</sup> Floor of the Central Court Building in the **DEFAULT ROOM**.

**ARRIVE BEFORE THE TIME SCHEDULED FOR YOUR HEARING.**

**YOU CANNOT BE LATE. IF YOU ARE LATE OR YOU BRING CHILDREN, YOUR HEARING WILL BE RESCHEDULED TO A DIFFERENT DAY.**